

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

ELLIS FRANKLIN,	)	
Plaintiff,	)	
	)	2:05-CV-00136-B
	)	[wo]
CHARLIE C. WILLIAMS, et al.,	)	
Defendants.	)	

**ORDER ON MOTIONS**

After due consideration of *Plaintiff's Motions in Limine* (Doc. 41, May 1, 2006), *Defendants' Response* (Doc. 49, May 8, 2006), relevant pleadings and the Pretrial Order, it is **ORDERED** as follows with respect to the disputed evidence:

1. RE: photographs or testimony concerning beer cans and/or remains of marijuana cigarette

**For good cause shown, Plaintiff's Motion in Limine is GRANTED.**

2. RE: C-4 forms submitted by three of the passengers on the bus

**For good cause shown, Plaintiff's Motion in Limine is**

**(a) DENIED with respect to any passenger who testifies at trial, provided that the form is otherwise admissible for the purpose offered;**

**(b) GRANTED, on the asserted basis of hearsay, with respect to non-testifying passengers.** The court overrules Defendants' objections premised on Fed.R .Evid., Rule 803(1) without prejudice for reconsideration in response to any testimony purporting to establish admissibility under this hearsay exception. Also overruled is Defendants' objection that the C-4 cards are due to be admitted either (i) as regularly maintained business records pursuant to Rule

803(6), or (ii) as residual hearsay pursuant to Rule 807.

3. RE: any and all documents related to Plaintiff's application for disability, including, but not limited to, applications, correspondence to and from the Disability/Social Security Administration, statements, determination documents, and/or appeal documents

**For good cause shown, Plaintiff's Motion in Limine is DENIED** without prejudice for reconsideration with respect to a specific document and specific objections asserted thereto in the context of the relevant testimony.

Done this 10<sup>th</sup> day of May, 2006.

/s/ Delores R. Boyd  
DELORES R. BOYD  
UNITED STATES MAGISTRATE JUDGE